

## **STA LETTER OF JUSTIFICATION FOR WAIVER OF 90.631(e) AND WAVE 4 REBANDING FREEZE**

The City of Cleveland, OH (hereafter “Cleveland” or “the City”) respectfully requests herein a grant of this Special Temporary Authority (STA) with waiver of FCC Rule section §90.631(3) and Wave 4 Rebanding Freeze. The City of Cleveland submits that the information contained herein justifies the filing of this request.

The City of Cleveland will upgrade and expand its current 800 MHz trunked, simulcast radio system, licensed under call signs WPFF205 & WNGK825, to an APCO Project25 Digital system providing improved interoperability and coverage for agencies that operate within Cuyahoga County. Initially, the City of Cleveland will upgrade and integrate all first responder communications throughout the City with the Southwest Council of Governments Public Safety Communications System – currently a single site 800 MHz trunked system network operated by the Southwest Council of Governments into one seamless wireless network. Additional Local government agencies within Cuyahoga County are encouraged to utilize the new City of Cleveland APCO Project 25 800 MHz network to achieve the highest level of communications functionality and interoperability.

The upgrade of Cleveland’s communications system, upon completion, will allow a level six communications capability – the highest level of interoperability – throughout Cuyahoga County in a crisis or other mutual aid event. Once the system integration and build-out is complete, the City can negotiate with any remaining interested local agencies within the County that could join the network, on their own timeframe, simply by procuring their own Project 25 end user radio and dispatch equipment via their own budgeting, 911 surcharge applications, or other means.

The Southwest Council of Governments, consisting of eight municipalities and approximately 1000 subscribers will benefit from the upgrade/migration with the City of Cleveland through improved coverage, interoperability with the City of Cleveland agencies, and increased system availability. In an effort to provide adequate frequencies for the City of Cleveland system upgrade, they have entered in a shared agreement with the City to share their existing frequencies and sites licensed under call sign WPDU281 (City of Brook Park). This commitment between the Southwest Council of Governments and Cleveland will provide expanded interoperability among diverse government agencies including public safety, transportation, and public works services between the local City agencies within the County and the City of Cleveland entities.

The City of Cleveland desires to add an emission designator to 10 existing frequencies at all 8 existing sites (WPFF205 & WNGK825), add eighteen frequencies as identified by the Frequency Reconfiguration Agreement at the 8 existing sites, and add six new sites. In order to do so, it will require three separate application filings. However, due to the Wave 4 Rebanding Freeze, the modifications to WPFF205 & WNGK825 cannot be filed at this time. Therefore, three separate STAs are being filed,

each as new stations that will reflect the end result desired in the future permanent license applications. The filing of the STAs will require a waiver of Section 90.631(e)<sup>1</sup> of the Commission's rules to allow relief from the Wave 4 Rebanding Freeze<sup>2</sup> to allow Cleveland to start construction of the aforementioned modifications.

Section 1.925(b)(3)(i)<sup>3</sup> of the FCC rules states that the Commission may grant waivers if, among other reason, "the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest." The City of Cleveland believes that a grant of this waiver request for STA filings, based on the above information, justifies the grant of these three STAs to provide a public safety interoperability system to the many citizens that the City currently serves, as well as future users of this system. Without the grant of this STA waiver, effective public safety communications will be disrupted to the detriment of the public interest. The City of Cleveland, OH, therefore, respectfully requests an affirmative response from the FCC.

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<sup>1</sup> FCC Rule section 90.631(e) states that except as provided in Sec. 90.629, licensees of trunked facilities must complete construction within one year.

<sup>2</sup> See *Public Notice* DA08-766 released March 31, 2008, PSHSB Extends 800 MHz Rebanding Negotiation periods for Wave-4 Border Area NPSPAC and Non-NPSPAC licensees.

<sup>3</sup> 1.925(b)(3)(i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest.